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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,112	10/27/2003	Peter Gold	071308.0479	2618

7590

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EXAMINER

LE, QUE TAN

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,112	<b>Applicant(s)</b> GOLD, PETER	
	<b>Examiner</b> Que T. Le	<b>Art Unit</b> 2878	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

The disclosure is objected to because of the following informalities: In claim 8, "the choke" on line 2 should be changed to "the choke coil".

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, the phrase "are connected in each case to one of the push-pull switches" on line 4 is vague in its given context.

Claims 5-11 are indefinite because they include the indefiniteness of the claims on which they depend.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata 4,104,561.

Iwata discloses a magnetron operating system comprising: an energy supply device (14, 16) for providing an alternating voltage; an oscillating circuit (17, 34) to which the alternating voltage is applied for generating electromagnetic waves; and a choke coil (27) disposed between at least one part of the energy supply device and the oscillating circuit. The energy supply device includes a terminal (Fig. 1) capable of being switched over between two voltages (switch 14) which is connected through the choke coil to an oscillating circuit terminal and a further terminal (11, 20) capable of being switched over between two voltages which is connected through a capacitor (22) or a transmitting coil (19, 21, 26) of the oscillating circuit to the one oscillating circuit terminal (24, 25). The system includes a DC voltage source (16), converter coils (19, 21, 26), a diode (23) being connected to the choke coils and the switch, and a transformer (15) or an autotransformer.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-17, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata 4,104,561.

With respect to claims 4 and 5, as per the discussion above, although Iwata discloses a transformer (15) having converter coils with inner tapping points and outer tapping points being connected to a capacitor (22) and/or the switch (14) but fails to

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disclose the further connection with two push-pull switches, the selection of a specific connection and/or the use of more elements/components for providing more control to the regulation of an electrical circuitry would have been obvious to one of ordinary skill in the electrical art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify lwata accordingly in order to provide more control to the generation of the electromagnetic waves. Further similar citation regarding additional transformer with connection(s) in claims 6-11 would have also been obvious for similar reasons set forth above.

The proposed system of lwata, discussed in claims 4-11 above, inherently performs the claimed method steps of claims 12-17.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Ishikawa et al 3,700,846 disclose a high frequency heating system having an electromagnetic wave generator with a DC source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Que T. Le whose telephone number is (571) 272-2438.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta, can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Que T. Le  
Primary Examiner